

**UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Plaintiff,

v

JOHN W. HIGGINS, MARTHA R. HIGGINS; and
UNITED STATES OF AMERICA,
Defendants.

UNITED STATES OF AMERICA,

Counterclaim/Crossclaim Plaintiff,

v

JOHN W. HIGGINS, MARTHA R. HIGGINS;
Crossclaim Defendants,

and

JPMORGAN CHASE BANK, N.A.,

Counterclaim Defendant.

NOW COMES Plaintiff JPMorgan Chase Bank, N.A. (“Chase”), through its counsel, Dykema Gossett PLLC, and for its Motion to Strike Exhibit 7 to its Second Amended Complaint (RE 33-7) and for Leave to File Amended Exhibit 7 states:

Pursuant to Local Rule 7.1(d), counsel for Chase conferred with Defendant John Higgins via telephone and explained the nature and the basis for this motion. John Higgins advised Chase’s counsel that the Higginses concur with the relief sought herein.

On February 15, 2024, Chase filed its Second Amended Complaint (SAC) with this Court pursuant to the Court’s Case Management Order (CMO) entered January 31, 2024. (RE 29,

Case No. 1:23-cv-01112

Hon. Robert J. Jonker
Magistrate Judge Sally J.
Berens

**PLAINTIFF JPMORGAN
CHASE BANK, N.A.’S
UNOPPOSED
MOTION TO STRIKE
EXHIBIT 7 TO SECOND
AMENDED
COMPLAINT [RE 33-7]
AND FOR LEAVE TO
FILE AMENDED
EXHIBIT 7**

PageID. 149 (CMO); RE 33 (SAC).) As Exhibit 7 to the Second Amended Complaint, Chase included a copy of the July 1, 2022 Loan Modification Agreement between Chase and Mr. and Mrs. Higgins, (RE 33-7), which was a topic discussed at the January 29, 2024 Rule 16 conference.

The Loan Modification Agreement, as filed, contains the complete account number of the Higginses' account with Chase and was inadvertently submitted to this Court without redaction, whereas Exhibits 2 (promissory note) and 3 (mortgage) to the SAC redacted that account number. Although the account number is a public matter in some respects, including being recorded in the Berrien County register of deeds, Chase endeavors to minimize the public filings including the full account number. Upon discovery, Chase has immediately filed this Motion to strike Exhibit 7 to the SAC as filed and remove access to it from the Court's docket.

Chase respectfully requests that this Court grant its Motion, strike Exhibit 7 to the SAC, and allow Chase to file the Amended Exhibit 7 attached hereto as **Exhibit A**.

Respectfully submitted,

DYKEMA GOSSETT, PLLC

Date: February 16, 2024

By: /s/ Mark J. Magyar
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IT IS SO ORDERED.

Dated: February 20, 2024

/s/ Robert J. Jonker

Robert J. Jonker
United States District Judge